

# **UNIVERSITY OF NEBRASKA AT OMAHA**

## **REGULATIONS ON THE USE OF UNIVERSITY FACILITIES BY THIRD PARTIES**

### **CONTENTS:**

- I. STATEMENT OF PURPOSE
- II. DEFINITIONS
- III. CERTIFICATION REQUIREMENT
- IV. OFFICIAL DISCLAIMER
- APPENDIX A. CLASSIFICATION OF PROPERTY AND CAMPUS  
MAP
- APPENDIX B. UNIVERSITY OF NEBRASKA TRESPASS POLICY

I. STATEMENT OF PURPOSE:

- A. It is the intent of the University to fulfill its mission of teaching, research and public service. In order to avoid disruption of the normal activities needed to carry out its mission, the University shall control access to University land and buildings.
- B. In order to optimize the use of University facilities by students, faculty, staff and community members, the University reserves the right to regulate the use of its own property.
- C. This policy does not apply to the University's own uses.
- D. University groups shall have priority over community groups in the scheduling of the facilities.
- E. These regulations apply to the use of property classified as public- or limited-use areas or facilities. See Appendix A.

II. DEFINITIONS:

- A. Administrator means the Director of the Milo Bail Student Center or other designated University official charged with the enforcement of these regulations.
- B. Property Classifications (1) Public Use Areas or Facilities (2) Limited Use Areas or (3) Non-public Areas or Facilities. See Appendix A.
- C. University Group means any one of the following: (1) recognized student organizations, (2) recognized faculty organizations, and (3) other groups officially recognized by the University administration as part of the University community.
- D. Individual/Group (Third Party) means any individual or group, other than those defined in Section II C, that wishes to use University facilities for the purposes outlined in this policy.

- E. Requestor means individual or individuals requesting permission to use University facilities.

### III. CERTIFICATION REQUIREMENT

The University Public Use Facilities Permit must be submitted with all necessary signatures (three business days) before the activity to allow for administration to review the proposed activity. Third parties must certify that the following are true:

- A. The event will not disrupt the normal flow of pedestrian and motorized traffic.
- B. The event will not violate federal, state, or local laws.
- C. The user will ensure that the event remains non-disruptive to the public peace and order of the University. The Administrator may take action deemed appropriate to preserve the public order and protect University property.
- D. The User acknowledges that they are responsible for any damages that occur as a result of their use of University property.
- E. Any requestor must agree to abide by the following conditions; failure to agree to these conditions will result in a denial of permission to use the facilities.
  - (1) The requestor will pay all facility fees and/or other charges incurred by the University in opening an area to the requestor.
  - (2) The requestor will be responsible for paying charges for adequate security at any event; the degree of security needed shall be determined in good faith by the Administrator and shall be arranged by the University.

**The requestor has read and will comply with the Regulations on the Use of University Facilities by Third Parties including all appendices.**

- F. Notice of denial of an application for permit shall clearly set forth in writing the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the University for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the University may propose an alternate place, if available for the same time, or an alternate time, if available for the same place. An application for permit may be denied on any of the following grounds:
- (1) The application for permit is not fully completed and executed;
  - (2) The applicant has not timely tendered an application fee, user fee, indemnification agreement, security deposit, or satisfied any other condition reasonably required by the Administrator;
  - (3) The application for permit contains a material falsehood or misrepresentation;
  - (4) The applicant is legally incompetent to contract (e.g., under nineteen years of age) or is not a legally recognized entity (e.g., out of state corporation not licensed to do business in Nebraska); (Note: Students enrolled at the University who are under the age of nineteen years of age may be granted a permit to use property for no charge.)

- (5) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged University owned or leased property and has not paid in full for such damage, or has other outstanding and unpaid debts to the University;
- (6) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular property or part hereof;
- (7) The use or activity intended by the applicant would conflict with planned programs organized and conducted by the University and scheduled for the same time and/or place;
- (8) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of University owned or leased property or part thereof designated pursuant to Section 1., above.
- (9) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the property, or of University students or employees or of the public;
- (10) The applicant has not complied or cannot comply with applicable licensure requirements, rules or regulations concerning the sale or offering for sale of any goods or services;
- (11) The use or activity intended by the applicant is prohibited by applicable rules or laws;

- (12) The applicant has not secured the requisite insurance;
- (13) The applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior permits issued to the applicant;
- (14) The proposed use or activity would interfere with pedestrian and/or vehicular traffic;
- (15) The proposed use or activity intended by the applicant would present an unreasonable risk of substantial damage to property of the University and/or of persons lawfully present on University property;

**After review, this form will be returned to the requestor granting or denying permission to use University facilities no less than two business days in advance of the event.**

G. Any requirement for use, fees, deposits, proof of insurance or premium for insurance may be waived by the Administrator upon the recommendation of the Universities General Counsel's Office. If the activity is protected by the First Amendment of the United States Constitution and the condition would be so financially burdensome that it would preclude the applicant from using University owned or leased property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the Administrator.

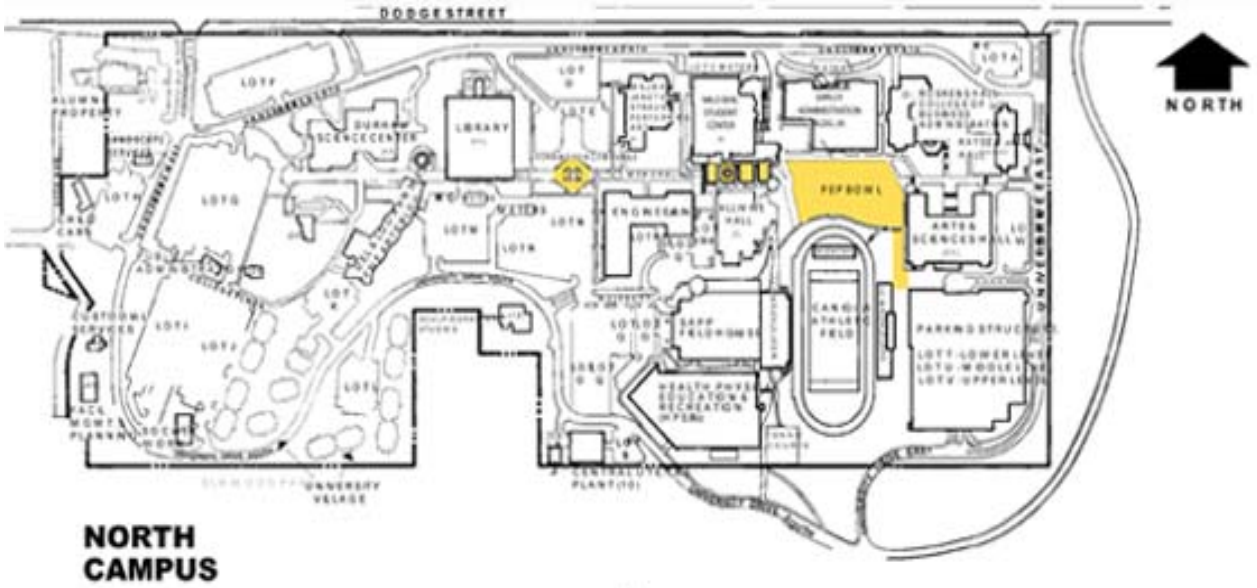
The Administrator may waive any time requirements for the submission or processing of applications in order to grant approval or facilitate the expeditious review of a denial of use.

#### IV. OFFICIAL DISCLAIMER

Nothing in these regulations is intended nor should it be understood as an endorsement or approval by the University of Nebraska at Omaha of any third party activity using University property, nor are the regulations an invitation or license to speak or assemble in a University forum.

## APPENDIX A

- (1) **Public Use Areas or Facilities** – North Campus: Pep Bowl, Durham Plaza, Campanile and Arts & Sciences Parking Plaza  
South Campus: PKI Plaza
- (2) **Limited Use Areas or Facilities** - Reservable space, indoor and outdoor (e.g. Student Center, Caniglia Field, Sapp Fieldhouse, Strauss Performing Arts, Weber Fine Arts, Roskens Hall, HPER, and available classrooms and auditoriums)
- (3) **Non-public Areas or Facilities** – All areas not defined in items (1) and (2) (e.g. classrooms, labs and offices)



UNIVERSITY OF  
**Nebraska**  
 Omaha

 Public Use Areas

**SOUTH CAMPUS**



## **APPENDIX B**

### **VI. UNIVERSITY OF NEBRASKA TRESPASS POLICY**

#### **Section 1. Persons Not Authorized in Non-Public Areas of University Buildings.**

The areas of University academic, research, public service, and administrative buildings of the University used for classrooms, laboratories, faculty and staff offices, and the areas of University student residence buildings used for student living quarters are not open to the general public. Any person not authorized to be or remain in any such building area will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

#### **Section 2. Persons on University Property Between the Hours of 11:00 p.m. and 6:00 a.m.**

Persons who are not students, faculty, staff, tenants, licensees, agents or contractors of the University, or their employees, visitors or guests, shall not be permitted on University property between the hours of 11:00 p.m. and 6:00 a.m. Visitors and guests are expected to conduct themselves in a proper and lawful manner while on University property, and failure to do so may result in imposition of personal restrictions relating to their presence on University property. Specifically, the right of a visitor or guest to be present on University property will be restricted when the visitor or guest has disrupted normal services, or has harmed or threatened to harm a member of the student body, faculty or staff. The right of a visitor or guest to be on University property will also be restricted when the visitor or guest has damaged or poses a risk of damage or loss to University property or to the property of others located on University property.

#### **Section 3. Persons in University Buildings After Closing to the Public.**

Many University buildings are open to the public at designated times which are posted at building entrances. Some University buildings are closed and locked during the times they are not open to the public. Also, some University buildings, such as student unions, are closed to the public at designated times which are posted at building entrances, but remain

unlocked for access and use by students, faculty, staff and other authorized persons. Persons who are not authorized by the University to be in a University building after the posted time of closing to the public will be deemed to be trespassing on University property, and may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521.

#### Section 4. **Ban and Bar Notices.**

University law enforcement or security personnel may issue written notices to any person who has been contacted or observed on University property while engaged in any unlawful or unauthorized activity banning and barring such person from University property, except as may be specifically authorized in such notice. Violation of any such notice will be deemed to be trespassing on University property, and the offending party may be cited and subject to prosecution for criminal trespass in violation of Neb. Rev. Stat. § 28-520 or § 28-521. The term “unlawful or unauthorized activity” shall mean any conduct, act or omission by any person that is in violation of (i) any law, rule, regulation or order of the State of Nebraska or of the United States, or (ii) any policy, rule or regulation of the University of Nebraska.